

UNITED STATES DISTRICT COURT
for the

Eastern District of Wisconsin

United States of America)

v.)

Francisco Hernandez Baca)
(DOB xx/xx/1982))
)
)
)
)

Case No. 23 MJ 97

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 3, 2020 in the county of Milwaukee in the
Eastern District of Wisconsin, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code,
Sections 922(g)(1), 922(g)(5), and
924(a)(8)

Convicted felon in possession of a firearm;
Illegal alien in possession of a firearm.

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.


Complainant's signature

FBI TFO Scott Marlock

Printed name and title

Sworn via telephone; transmitted via email
pursuant to Fed. R. Crim. 4.1

Date: 5/16/2023


Judge's signature

City and state: Milwaukee, Wisconsin

Honorable William E. Duffin, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Scott Marlock, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a state certified law enforcement officer employed as a Special Agent with the State of Wisconsin Department of Justice, Division of Criminal Investigation (DCI) and have been employed by DCI for approximately the past 3 years. Prior to DCI, I was employed as a certified law enforcement officer with the City of Milwaukee Police Department (MPD) for approximately 27 ½ years and retired from MPD in March of 2020. Prior to 2023, I was a federally deputized Task Force Officer with the Drug Enforcement Administration (DEA) for approximately 11 years. I am currently a federally deputized Task Force Officer with the Federal Bureau of Investigation (FBI) assigned to the Milwaukee Field Division. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, in that I am empowered by law to conduct investigations of and to make arrests for federal felony offenses.

2. During my tenure with DCI, MPD, DEA and FBI, I have received specialized training and experience in areas including, but not limited to, narcotics smuggling and distribution investigations, financial fraud investigations and firearms violations. I have worked with numerous informants in the investigation of drug and firearms trafficking as well as money laundering and financial crimes. I have authored and participated in the execution of numerous search warrants in which controlled substances, firearms, drug paraphernalia, United States currency, counterfeit monies, and business and financial records were seized. I am familiar with the street name of various drugs in the Milwaukee area including marijuana, cocaine, and heroin. I have debriefed

defendants, informants, and witnesses who had personal knowledge regarding major narcotics trafficking, money laundering organizations, firearms trafficking and related offenses.

3. I have received training in the investigation of unlawful possession of firearms and possession of firearms by prohibited persons offenses. In the course of my experience as a law enforcement officer, I have arrested numerous individuals for firearms-related offenses. I have worked with local, state and federal law enforcement agents investigating the possession, use of and trafficking of controlled substances and firearms. I have authored and participated in the execution of numerous search warrants in which weapons and weapon-related contraband were seized. I am familiar with the different types and calibers of firearms and ammunitions commonly possessed for illegal purposes. I have also received specialized training in the use of firearms.

4. The information set forth in this affidavit comes from my personal involvement in this investigation, as well as from information provided to me by other law enforcement officers, and reports drafted by those officers who were directly involved in the matter or have personal knowledge of the facts herein.

5. Throughout this affidavit, reference will be made to case agents. Case agents are those federal, state, and local law enforcement officers who have directly participated in this investigation, and with whom your Affiant has had regular contact regarding this investigation.

6. Because this affidavit is submitted for the limited purpose of securing a complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only facts that I believe are sufficient to establish probable cause.

7. I am submitting this affidavit in support of a Federal Criminal Complaint for Francisco Hernandez Baca, Hispanic male, date-of-birth xx/xx/1982, in the State and Eastern District of Wisconsin. As will be shown below, there is probable cause to believe that on or about

September 3, 2020, in the State and Eastern District of Wisconsin, Francisco Hernandez Baca, a convicted felon and an illegal alien, knowingly possessed a firearm; to wit, a Glock, Model 19X, 9mm semi-automatic firearm, bearing serial number BKBY424, in violation of Title 18, United States Code, Sections 922(g)(1), 922(g)(5), and 924(a)(8). Based upon your Affiant's training and experience, your Affiant knows that Glock firearms are not manufactured in the State of Wisconsin. Therefore, this firearm traveled in interstate commerce prior to Hernandez Baca's knowing possession of the above-described firearm.

PROBABLE CAUSE

8. On approximately September 3, 2020, City of Milwaukee Police Officers Jaritza Deleon Lopez and Cody Cottreau were operating a City of Milwaukee Police squad transporting a subject to St. Francis Hospital. While en-route, officers observed a vehicle travelling eastbound on West National Avenue from South 27th Street, in the City and County of Milwaukee, WI. Officers observed that eastbound vehicle nearly strike Francisco Hernandez Baca, who was standing along the roadway in front of approximately 2513 W. National Avenue, Milwaukee, WI. Officers attempted to make contact with Hernandez Baca and check on his welfare when they observed him holding a tan in color semi auto pistol (aforementioned Glock 19x, 9mm pistol bearing serial number BKBY424). Hernandez Baca was observed at that time raising the pistol in the direction of the eastbound vehicle. Officers ordered Hernandez Baca to drop the pistol. Hernandez Baca turned towards the officers then threw the Glock pistol to the ground.

9. Hernandez Baca was taken into custody and officers recovered the Glock 19x, 9mm pistol. Upon recovering the Glock 19x, 9mm pistol bearing serial number BKBY424, officers revealed it was loaded with twelve (12) Aguila brand 9mm unfired cartridges in the magazine.

Officers identified Hernandez Baca through a State of Wisconsin Driver's license. Hernandez Baca immediately requested a lawyer upon officers advising him of his Miranda Warnings.

10. Through National Crime Information Center (NCIC) records, Affiant did ascertain that Francisco Hernandez Baca is a convicted felon having been arrested on July 6, 2002 and charged with an Armed Robbery/Armed w/Firearm offense in Calumet Park, IL, case number 02-06140. On April 28, 2005, Hernandez Baca was found guilty of the felony offenses of Robbery and Aggravated Unlawful Restraint (Kidnapping) in Cook County, IL, court case number 2002CR205900, and sentenced to 4 years imprisonment.

11. On May 16, 2023, case agents located Hernandez Baca exiting his residence located in Milwaukee, Wisconsin. Case agents approached Hernandez Baca, who voluntarily allowed agents into his residence. While inside the residence, case agents told Hernandez Baca that he was not arrested and that he was free to leave. During this voluntary encounter, Hernandez Baca acknowledged that he is unlawfully present in the United States. Hernandez Baca also consented to a search of his residence. Case agents searched the residence and located U.S. currency, a scale with what appeared to be residue, a money counter, a safe with what appeared to be white residue inside, numerous receipts reflecting deposits of \$9,900, and a safety deposit box key.

CONCLUSION

12. Based on the forgoing, I believe there is probable cause to believe that Francisco Hernandez Baca committed the crimes of Possession of a Firearm by a convicted felon, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8), and Possession of a Firearm by an Illegal Alien, in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).